

### **R430-100-3. LICENSE REQUIRED.**

**A person or persons must be licensed as a child care center under this rule if:**

- (1) they provide care in lieu of care ordinarily provided by a parent, for four or more hours per day;**

**[Rationale / Explanation](#)**

*Preschools and other programs that care for children for less than 4 hours per day are not required to be licensed. This includes preschools that have a morning and afternoon session, each less than 4 hours, provided that the same children do not attend both the morning and afternoon sessions.*

- (2) they provide care in a place other than the provider's home or the child's home;**

**[Rationale / Explanation](#)**

*Care provided in the providers home is regulated as either licensed family or residential certificate care. Care provided in the child's home is not regulated by the Department of Health.*

- (3) they provide care for five or more children;**

**[Rationale / Explanation](#)**

*Providers who care for four or fewer children are not required by statute to be regulated, whether the care is provided in a home or center.*

- (4) they provide care for each individual child for less than 24 hours per day;**

**[Rationale / Explanation](#)**

*Centers that provide live-in 24 hour per day care are regulated as residential facilities, not child care centers.*

- (5) the program has a regularly scheduled, ongoing enrollment; and**

**[Rationale / Explanation](#)**

*This means that children attend the program on a regular basis, as opposed to occasional drop-in care.*

- (6) they provide care for direct or indirect compensation.**

**[Rationale / Explanation](#)**

*This means the provider receives some form of compensation, whether monetary, or in the form of a trade for goods or services.*